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EXAMINER				
AFOLAB, MARK O				
ART UNIT		PAPER NUMBER		
2454				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/540,532

**Applicant(s)**

TINDALL, PAUL GEOFFREY

**Examiner**

MARK O. AFOLABI

**Art Unit**

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is considered fully responsive to the amendment filed on 11/25/2008 for the patent application 10/540,532 filed 05/10/2003. Claim 5 is cancelled, claims 3, 4, 6 and 11 are amended and claim 14 is new. All claims 1-4 and 6-14 have been examined and remain pending.

### ***Specification Objection(s)***

2. Acknowledge is made to applicant's response to previously raised objection to the specification, which provides changes to the specification. The examiner withdraws previous specification objection and accepts the amendments made to the specification.

### ***Response to Arguments***

3. Applicant's arguments filed on November 25, 2008 have been fully considered but are not found persuasive. Specifically, Applicants made the following arguments:

Applicant argues that the combination of the cited prior arts (i.e., Lefebvre and Emens) does not teach all the elements of the claims 1, 6, 7, and 13, ***"the rule set comprises a plurality of rules, each of which relates to a respective predetermined message content" and that the "rules are based on message content"***. Examiner respectfully disagrees.

In response to applicant's argument that the reference fail to show the above limitation. Examiner would like to point to the supporting rationale found in the Lefebvre reference to further clarify this limitation ***"the rule set comprises a plurality of rules, each of which relates to a respective predetermined message content"***. (e.g., by receiving real-time signals and alerts regarding time sensitive events...upon the particular device that the users prefer to receive signals and alerts under those circumstances. In

applying such priority rules...solely to a desired one of the user's device, [0040], it then follows that, the user of device 405 has programmed the database with several phone numbers (belonging to the network 401) and messages (in place of names) [i.e., rule set that relates to predetermined message content], such as shown in **Table 1**, [0060]).

However, Emens also teach this limitation (e.g., the system produces ratings tags that are compliant with the Platform for Internet Content Selection (PICS) tag system already in place...The RSACi labels rate content on a scale of zero to four in four categories: violence, nudity, sex, and language. Current Web browsers are designed to read the RSACi tags and determine whether or not to display the document based on content levels the user sets for each of the four categories. The user can also set the browser not to display pages without a rating, col. 1, lines 43-55 and Fig. 2c. Furthermore, col. 4, lines 3-7 of Emens also stated, "Filtering can be performed on files including text, audio, or image. In a text-only data file, objectionable words or phrases are replaced with, for example, spaces, black rectangles, or a predetermined phrase") (Please note the claim interpretation below).

In response to applicant's argument, that the reference fails to teach or suggest certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., **rules based on message content**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Interpretation***

4. Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969)".

The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable in view of Lefebvre et al. (US 2002/0046299) (Lefebvre hereafter) and Emens et. al (US 6,493,744) (Emens hereafter)

**Regarding claim 1**, a method of filtering text messages, the method comprising the steps of:

a) inputting a rule set [user limit values] into the telecommunications device by downloading the rules set from a network operator;

- b) reading an incoming message;
- c) modifying the message if that message breaks a rule of the rule set; and
- d) displaying the modified message

wherein the rule comprises a plurality of rules, each of which relates to a respective predetermined message content.

**Lefebber teaches** a method of filtering text messages (e.g., internal server 112b filters the data to search for events of interest, 0057) received by a mobile telecommunications device (e.g., Fig. 4—item 405, Lefebber), downloading the rules set (e.g., the user could ...download information pertaining to alert and priority rules that have been set with the network, 0083) from a network operator (e.g., central network, 0032). **Lefebber also teaches** reading an incoming message ([e.g., 0074]), wherein when the rule set comprises a plurality of rules, each of which relates to a respective predetermined message (e.g., [0040 and 0060]).

**Lefebber does not explicitly teach** modifying the message if that message breaks a rule of the rule set and displaying the modified message.

**However, Emens teaches** modifying the message if that message breaks a rule of the rule set (e.g., Fig. 2B); and displaying the modified message (e.g., Fig. 2B—item 36).

It would have been obvious to one of ordinary skill in the art at the time invention was made, given the suggestions of Lefebber and Emens to filter text messages received by a mobile telecommunications device, inputting a rule set into the telecommunications device by downloading the rules set from a network operator by reading an incoming message, modifying the message if that message breaks a rule of the rule set and displaying the modified message.

One would be motivated to utilize a mobile phone or other user interfaces which are capable of function activation, such as keypad, voice activation, joysticks, touch screens, dial shuttles as input means in any mobile communication with a display.

**Regarding claim 2**, wherein the message is a text message (e.g., Figs. 2A - 2C, Emens).

**Regarding claim 3**, wherein step b) includes the step of parsing the incoming test message (e.g., Fig. 3, Emens).

**Regarding claim 4**, wherein step c) is such as to delete the predetermined text content, or to replace the letters of the predetermined text content (e.g., Fig. 2C, Emens) with meaningless characters (e.g., col. 4, lines 4-7 and col. 5, lines 55-58, Emens).

**Regarding claim 5**, wherein step

a) is carried out by downloading the rule set from a network operator [network] (e.g., the user could ...download information pertaining to alert and priority rules that have been set with the network, 0083, Lefebvre).

**Regarding claim 6**, comprises substantially the same limitations as those address in claim 1. Therefore, the same rationale of rejection is applicable.

**Regarding claim 7**, a telecommunications device comprising a transceiver, a processor and a display, the processor including software, means [e.g., Fig. 3-item 336 and 0059, Lefebvre] for inputting a rule set into the software from a network operator, means (e.g., Fig. 4C-item 110, Emens) for reading an incoming message [0074, Lefebvre], means (e.g., Fig. 4B-item 100, Emens) for

modifying the message if that message breaks a rule of the rule set (e.g., Fig. 4B-item 104, Emens) whereby a modified message is displayed (e.g., Fig. 2B-item 36), wherein the rule set comprises a plurality of rules, each of which relates to a respective predetermined message content (e.g., Fig. 2C, Emens and 0040, Lefeber).

**Regarding claim 8**, wherein the software (e.g., Recreation Software Advisory Council (RSAC), Emens) is such that a user (e.g. parent) of the device can modify the rule set (e.g., col. 7, lines 1-13, Emens).

**Regarding claim 9**, further comprising data input means linked to the processor for modifying the rule set (e.g., col. 9, lines 35-43, Emens).

**Regarding claim 10**, wherein a keypad constitutes the data input means [e.g., 0008, Lefeber].

**Regarding claim 11**, wherein, when the message is a text message (e.g., Fig. 3-item 58, Emens), the software is such as to parse (e.g., Fig. 3-item 60, Emens) the incoming text message (e.g., Fig. 2A, Emens).

**Regarding claim 12**, comprises substantially the same limitations as those address in claim 4. Therefore, the same rationale of rejection is applicable.

**Regarding claim 13**, a mobile telecommunications device comprising a transceiver, a processor and a display (e.g., Fig. 4A-item 84, Emens), the processor



including software containing a rule set means (e.g., Fig. 3—item 336 and 0059, Lefeber) means (e.g., Fig. 4A—item 82, Emens) for modifying the rule set, to accommodate the needs of a user, on input of a modification of the rule set by that user, means (e.g., Fig. 4A—item 84, Emens) for reading an incoming message, means (e.g., Fig. 4A—item 76, Emens) for modifying the message if that message breaks a rule of the rule set whereby a modified message is displayed, wherein the rule set comprises a plurality of rules, each of which relates to a respective predetermined message content (e.g., Fig. 2C, Emens and 0040, Lefeber).

7. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable in view of Lefeber (US 2002/0046299) and Emens (US 6,493,744) in further view of Leber et al. (US 2003/0182391)

**Regarding claim 14,**

**Lefeber and Emens teach** all the limitation of claim 1 and 3 such as,

**Lefeber also teaches** reading an incoming message ([e.g., 0074]), wherein when the rule set comprises a plurality of rules, each of which relates to a respective predetermined message (e.g., [0040 and 0060]) and **Emens teaches** modifying the message if that message breaks a rule of the rule set (e.g., Fig. 2B); and displaying the modified message (e.g., Fig. 2B—item 36).

**Lefeber and Emens does not explicitly teach** searching for a word in a given list of words.

**However, Leber teaches** searching for a word in a given list of words (e.g., the word "jump" is identified by Thesaurus module **340**, or Spellchecker module **345**, or Dictionary **350** as the word to be search for in local database, [0157]).

It would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combined teachings of **Lefeber** and **Emens** to filter text messages received by a mobile telecommunications device with the teachings of **Leber**, it would have yielded predictable results and resulted in an improved system, namely by allowing the user of a device to send natural language queries for retrieving information from a database system or in a sentence to facilitate speed in retrieving information, [0027], Leber.

### ***RESPONSE TO ARGUMENTS***

8. Again, applicants' arguments with respect to claims 1-4 and 6-14 have been fully considered but are not found persuasive. Accordingly, the rejections regarding claims 1-4 and 6-14 are maintained.

### ***EXAMINER'S NOTE***

9. Examiner has cited particular columns and line numbers or paragraph numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARK O. AFOLABI** whose telephone number is (571) 270-5627. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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